

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN E. MILLEN,)	
)	No. CV-10-0001-CI
Plaintiff,)	
)	
v.)	ORDER GRANTING STIPULATED
)	MOTION FOR REMAND PURSUANT
MICHAEL J. ASTRUE,)	TO SENTENCE FOUR OF 42
Commissioner of Social)	U.S.C. § 405(g)
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 15.) Attorney Maureen Rosette represents Plaintiff John E. Millen; Special Assistant United States Attorney Richard A. Morris represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 5.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulated Motion for Remand (**Ct. Rec. 15**) is **GRANTED**. The above-captioned case shall be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge will consider further the evidence and determine whether Plaintiff had medical improvement related to his ability to work; will assess a new residual functional capacity for the period after April 1, 2009; and, if

1 warranted, obtain supplemental vocational expert evidence.
2 Plaintiff may present new arguments and further medical evidence if
3 such evidence becomes available.

4 2. Judgment shall be entered for the **PLAINTIFF**.

5 3. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 10**) is
6 dismissed as moot.

7 4. An application for attorney fees may be filed by separate
8 motion.

9 The District Court Executive is directed to enter this Order,
10 forward copies to counsel, and thereafter shall close this file.

11 DATED October 18, 2010.

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13 S/ CYNTHIA IMBROGNO
14 UNITED STATES MAGISTRATE JUDGE
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